

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. CR-24-130-SLP-8
v.)	
)	
EDGAR RODRIGUEZ ONTIVEROS,)	
)	
Defendant.)	

O R D E R

Before the Court is a letter [Doc. No. 688] which the Court construes as a motion to withdraw Defendant's plea of guilty, filed by Defendant, pro se, on July 2, 2025. Defendant was sentenced and judgment was entered in this matter on June 18, 2025. *See* [Doc. Nos. 675, 677]. Defendant was represented by appointed counsel, James Todd, at that time. On July 2, 2025, Mr. Todd filed a Notice of Appeal [Doc. No. 684] on Defendant's behalf.

Defendant's pro se motion is STRICKEN because he continues to be represented by Mr. Todd, and any request for relief, therefore, is required to be filed by counsel. *See* 10th Cir. R. 46.3(A) ("Trial counsel must continue to represent the defendant until either the time for appeal has elapsed and no appeal has been taken or this court has relieved counsel of that duty."); *see also* Fed. R. App. P. 4(b)(1) ("a defendant's notice of appeal must be filed in the district court within 14 days after . . . judgment"). Additionally, the motion is untimely because it was filed after sentencing. Fed. R. Crim. P. 11(e) ("After

the court imposes sentence, the defendant may not withdraw a plea of guilty or nolo contendere, and the plea may be set aside only on direct appeal or collateral attack.”).¹

IT IS THEREFORE ORDERED that Defendant’s letter [Doc. No. 688], construed as a motion to withdraw Defendant’s plea of guilty, is STRICKEN.

IT IS SO ORDERED this 7th day of July, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE

¹ Defendant makes reference to a request for a “2255 form” but that request is premature given the filing of his Notice of Appeal.